

**ALCOHOL REGULATORY AND LICENSING AUTHORITY**  
**TE MANA WAETURE TAKE WAIPIRO**  
**2026 PENALTY GUIDELINES**

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**Introduction**

1. The Sale and Supply of Alcohol Act 2012 requires that the sale, supply and consumption of alcohol should be undertaken safely and responsibly to achieve minimisation of the harm caused by the excessive or inappropriate consumption of alcohol.
2. As in the past where parties seek to negotiate outcomes that might be acceptable to the Authority, it is desirable that the Authority indicates what periods of suspension it considers might be reasonable in the certain cases of misconduct by way of breaches of the provisions of the Act or the applicable licence.
3. It is important to appreciate that the penalties indicated are only guidelines and a different outcome may be justifiable by the individual circumstances of each case.

**General aggravating factors (not definitive)**

4. Where there is actual liquor abuse.
5. Where there is clear licensee or managerial responsibility for the misconduct
6. Where there has been an earlier breach or breaches of the Act or the licence.

**General Mitigating Factors (not definitive)**

7. An early acceptance of the misconduct
8. Significant steps taken to ensure that there is no repetition of the misconduct.

**Generally**

9. The Authority, in the exercise of its discretion, continues to adhere to the principle that the imposition of a penalty will vary according to the nature of the misconduct and the individual circumstances of the case. Against that backdrop where the offence can be described as unexceptional the Authority anticipates that the guidelines listed below will be acceptable outcomes **for first breaches only**.
10. *On The Papers' Hearings* - First breaches that are admitted may be amenable to being dealt with without a public hearing and on the papers. That will require a formal admission and consideration of any submissions as to mitigation or aggravation.
11. *Duty Manager* - The Authority recognises that the duty manager is the first line of defense against the serious abuse of the legislative system for the sale and supply of alcohol. Additionally, that the duty manager must be supported by the licensee to ensure that the system is not abused.
12. *Sales to minors or intoxicated people* - The sale or supply of alcohol to an underage person not in a Controlled Purchase Operation (CPO) and the sale or supply of alcohol to an intoxicated person are considered the most serious breaches of the Act and will be dealt with accordingly.

### **Guidelines for a failed CPO (or misconduct at a similar level of seriousness)**

13. These are only guidelines and will generally be applicable for a licensee or manager who admits the CPO breach at the first reasonable opportunity and who has no earlier breach in their record.
14. *On-Licences and Club Licences* - **3 days' suspension.**
15. Off-Licences:
  - a. Stand-alone bottle stores – **3 days' suspension**
  - b. Supermarkets and Grocery Stores – **5 days' suspension**
16. *Managers' Certificates:*
  - a. For the sale and supply of alcohol to an underage person in a CPO where the sale or supply is not by the duty manager – **4 weeks' suspension.**
  - b. For the sale or supply of alcohol to an underage person in a CPO undertaken directly and personally by the duty manager – **8 weeks' suspension**

### **Guidelines for Drink Driving by the holder of a Manager's Certificate**

17. For a first conviction for excess blood/breath alcohol with a level under either 160 mg blood / 800 mcg breath - **4 weeks' suspension.**
18. Subject to para. 19, for a first conviction for excess blood/breath alcohol with a level of or over either 160 mg blood / 800 mcg breath / refusing to give a blood sample – **6 weeks' suspension**
19. A very high excess blood/breath alcohol level will raise issues as to that manager's suitability to hold a manager's certificate.

### **Scheduling Suspensions**

20. Suspensions will be set by the Authority, and they will generally be set to commence within four to six weeks of the decision to suspend, absent exceptional reasons. Suspensions will include the day of the week that the misconduct took place.

### **Finally**

21. Notwithstanding a request for the determination of an enforcement application on the papers, the Authority retains the option of setting down any enforcement application for a public hearing.
22. These Guidelines replace the Guidelines dated 8 April 2024 for any misconduct occurring on or after 1 July 2026.

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*Judge RLB Spear*  
*Chair, Alcohol Regulatory and Licensing Authority*  
*Date of authentication | Rā motuhēhēnga: 14/05/2026*